UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE COLUMBIA DIVISION

TONY E. SMITHSON and]	
VERNON L. FLEMING]	
Plaintiffs,]	
]	
v,]	No. 1:14-0006
]	Judge Haynes
CPT. LORI HARNESS, et al.]	
Defendants.]	

MEMORANDUM

Plaintiff Tony Smithson, an inmate at the Bledsoe County Correctional Complex in Pikeville, Tennessee and Plaintiff, Vernon Fleming, an inmate at the Hickman County Jail in Centerville, Tennessee, filed this *pro se* action under 42 U.S.C. § 1983 against the Defendants: Captain Lori Harness and four fellow members of the staff at the Hickman County Jail. Plaintiffs seek injunctive relief. The Defendants are named in their official capacities only.

According to their complaint, Plaintiffs allege that conditions of their confinement at the Hickman County Jail are unconstitutional. Plaintiffs' specific allegatios are that they were harassed for being Muslims; that they suffered through racial slurs and verbal abuse; that they were denied access to rehabilitative programs; that they were forced to pay for tooth paste, toilet paper and shampoo; that Plaintiff Smithson was denied access to a dentist, and that Captain Harness discriminated against male prisoners.

The defendants are sued in their official capacities, and thus, the action is against the entity that employs the defendants. <u>Kentucky v. Graham</u>, 473 U.S. 159,166 (1985). In a word, Plaintiffs' claims are against Hickman County, the municipal entity that operates the Hickman County Jail. <u>Hafer v. Melo</u>, 502 U.S. 21, 25 (1991).

For local governmental liability, Plaintiffs must allege plausible facts suggestive of a policy or custom by Hickman County or its agents. Monell v. Department of Social Servs., 436 U.S. 658 (1978). Plaintiffs must allege a direct causal link between an official policy or custom and the alleged constitutional violation. City of Canton v. Harris, 489 U.S. 378 (1989).

Here, Plaintiff's allegations of religious and racial harassment and discrimination by a supervisor and four officers state a plausible claim of a policy or custom of Hickman County so as to state claims under the First and Fourteenth Amendments for which injunctive relief may be warranted. The Defendant will be required to file a response. The Clerk shall issue process.

An appropriate Order is filed herewith.

ENTERED this the 3rd day of October, 2014.

United States District Judge